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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

Kush, Inc., a Nevada corporation,

Plaintiff,

V.

Frank Van Vranken, Jr., an individual;
DOES I-X, inclusive, and ROE
Corporations I-X, inclusive,

Defendants.

Case No. 2:20-cv-00649-JCM-DJA

**THIRD STIPULATED MOTION
TO CONTINUE DEADLINES
IN DISCOVERY PLAN AND
SCHEDULING ORDER**

(Assigned to the Honorable
James C. Mahan)

Defendant Frank Van Vranken, Jr. (“Defendant”), by and through undersigned counsel, and Plaintiff Kush, Inc. (“Plaintiff”), by and through undersigned counsel, hereby submit their third stipulated motion to continue the upcoming deadlines contained in the parties’ Stipulated Discovery Plan and Scheduling Order, specifically the following: (a) discovery cut-off date, currently set for June 9, 2021; (b) dispositive motions, currently set

1 for July 8, 2021; and (c) pretrial order and Fed. R. Civ. P. 26(a)(3) disclosures, currently set
2 for August 10, 2021.

3 This request is submitted in good faith and not for the purpose of delay. Although the
4 parties have worked diligently to move this case forward (including frequently engaging in
5 settlement discussions), the current procedural posture of this case necessitates continuation
6 of the foregoing deadlines. Plaintiff and Defendant's father, Frank Van Vranken, Sr., are
7 currently involved in related litigation pending before Judge Andrew P. Gordon. *See Kush,*
8 *Inc. v. Frank Van Vranken, Sr.*, Case No. 2:20-cv-00647-APG-NJK.¹ Mr. Van Vranken, Sr.
9 filed a motion to consolidate the case pending before Judge Gordon with the present case on
10 October 8, 2020, which has been fully briefed since October 29, 2020. Defendant consents
11 to consolidation and filed a Notice of Motion to Consolidate Cases (ECF No. 34) on October
12 8, 2020. While opposing the motion to consolidate, Plaintiff recognizes that a ruling is
13 needed so that the parties can meaningfully plan for discovery, depositions, dispositive
14 motions, and the later trial. If the cases are consolidated, the parties would endeavor to bring
15 both cases to the same procedural point to avoid the need, for example, to depose the same
16 witnesses or conduct a mediation/settlement conference on different dates.

17 In the related case, Judge Gordon recently issued rulings on Defendant's Partial
18 Motion to Dismiss and Plaintiff's Motion for Declaratory Relief in the related case. The
19 Defendant in that case will be filing his Answer & Counterclaim to Plaintiff's Second
20 Amended Complaint no later than April 30, 2021. Thereafter, Plaintiff will file its Reply to
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28¹ An identical stipulated motion has been contemporaneously filed in this case pending
before Judge Gordon.

Counterclaim sometime in mid-to-late May 2021. Once these pleadings are filed, both cases will be in approximately the same procedural posture.

Based on the foregoing, the parties believe it is neither possible nor practical to meet the upcoming deadlines. The parties respectfully request a 6-month continuance of each of the deadlines set forth above. If granted, the parties will revisit this issue in advance of the continued deadlines to assess the current status of the case and whether a further continuance is necessary. With that being said, the parties expect to be able to complete the vast majority of necessary discovery and depositions within this extended timeframe such that numerous additional extensions should not be necessary.

The parties specifically stipulate that:

1. The discovery cut-off date, presently set for June 9, 2021, shall be continued to December 9, 2021;

2. The deadline to file dispositive motions, presently set for July 8, 2021, shall be continued to January 10, 2022; and

3. The deadlines to file a joint pretrial order and make Fed. R. Civ. P. 26(a)(3) disclosures, presently set for August 10, 2021, shall be continued to February 10, 2022.

IT IS SO ORDERED:

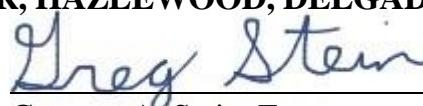
DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

DATED: April 14, 2021

1 RESPECTFULLY SUBMITTED this 13th day of April, 2021.
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4 **CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP**
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6 By:

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on April 13th, 2021, I electronically transmitted the
3 foregoing Third Stipulated Motion to Continue Deadlines in Discovery Plan and
4 Scheduling Order using the CM/ECF System for filing, and that I transmitted a Notice
5 of Electronic Filing to the following CM/ECF registrants:

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